

**DIVORCE MEDIATION PROGRAM**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ben C. Ferry**

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**LONG TITLE**

**General Description:**

This bill creates a domestic mediation program for divorce actions.

**Highlighted Provisions:**

This bill:

- ▶ creates a mediation program for divorce actions;
- ▶ makes the mediation program mandatory; and
- ▶ allows parties to be excused for good cause.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**30-3-39**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **30-3-39** is enacted to read:

**30-3-39. Mediation program.**

(1) There is established a mandatory domestic mediation program to help reduce the time and tensions associated with obtaining a divorce.

(2) If, after the filing of an answer to a complaint of divorce, there are any remaining



28 contested issues, the parties shall participate in good faith in at least one session of mediation.

28a **↗** **This requirement does not preclude the entry of pre-trial orders before mediation takes**  
28b **place.** **↖**

29 (3) The parties shall use a mediator qualified to mediate domestic disputes under  
30 criteria established by the Judicial Council in accordance with Section 78-31b-5.

31 (4) Unless otherwise ordered by the court or the parties agree upon a different payment  
32 arrangement, the cost of mediation shall be divided equally between the parties.

33 (5) The director of dispute resolution programs for the courts **↗** **, the court,** **↖** or the  
33a mediator may

34 excuse either party from the requirement to mediate for good cause.

35 (6) Mediation shall be conducted in accordance with the Utah Rules of Court-Annexed  
36 Alternative Dispute Resolution.

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**Legislative Review Note**  
**as of 12-7-04 1:09 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
**as of 12-07-04 8:03 AM**

The Judiciary Interim Committee recommended this bill.

**State Impact**

This bill requires a General Fund appropriation of \$78,800 to the Courts. Of this amount, \$75,800 is ongoing to coordinate the mandatory program established by this bill and \$3,000 is for one-time start-up costs. Over time, there could be a reduction of the increase in court litigation for domestic disputes and divorce.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$78,800	\$75,800	\$0	\$0
<b>TOTAL</b>	<b>\$78,800</b>	<b>\$75,800</b>	<b>\$0</b>	<b>\$0</b>

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**Individual and Business Impact**

This legislation will require individuals to attempt mediation. Mediation costs between \$75 and \$200 per hour. This cost would be split between the disputing parties.

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**Office of the Legislative Fiscal Analyst**